

Rhode Island Board of Licensure for Physician Assistants 2020 Annual Report

MARCH 2021



Introduction

The world was unexpectedly disrupted in 2020 by the COVID-19 pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV2). The pandemic has had, and still has, broad impact in Rhode Island and the United States. Every aspect of the Rhode Island Department of Health (RIDOH) was affected, including all professional boards.

Rhode Island saw its first COVID-19 patient on February 28, 2020, and the Governor declared a State of Emergency on March 9, 2020. Among the changes necessitated by the pandemic was the requirement that professional boards meet virtually, via an online meeting platform or via conference call. The Physician Assistant (PA) Board shifted to meeting via ZOOM.

Despite the pandemic, Licensing Boards serve an important role in protecting the public, including the issuance of emergency licenses. Assurance of a competent workforce is one the 10 essential public health services recognized by the CDC¹.

Board members possess unique technical expertise and function within a Just Culture, as they exercise this duty. Complex issues that surround complaint investigations, health policy, establishment of rules and regulations, and issuing licenses are some examples of these important duties.

The mission of the Rhode Island Board of Licensure of Physician Assistants (PA Board) is to protect the public through enforcement of standards for medical licensure and ongoing clinical competence. The PA Board has seven members—three of whom are PAs, two are physicians, and two who are members of the public who are not physicians. Board members receive no compensation of any type for their hours of service annually.

PA Board Members	
Philip Zingale PA-C	PA member
Victoria Miller PA-C	PA member
Aleko Kimbouris PA-C	PA member
Guy Nicastrì MD	Physician member
Victor Pinkes MD	Physician member
Rosemary Sheets	Public member
James Carney	Public member

There were no changes in PA Board membership in 2020.

The PA Board meets quarterly at RIDOH in Providence. Any member of the public can attend the open session.

The PA Board is housed entirely within RIDOH and is staffed by RIDOH employees who divide their time to effectively ensure the Board has the resources it needs to function at the highest level.

Board Staff	
James V. McDonald, MD, MPH	Chief Administrative Officer
Morgan Goulet, Esq.	Senior Legal Counsel
Jessica DeSanto	Board Manager
Linda Julian	Board Investigator
Alexandra Bernard	Licensing Officer

Licensing

Licensing of PAs by examination or by endorsement represents one of the essential functions of the PA Board. Ensuring that PAs who are allowed to practice medicine in Rhode Island are competent, ethical, and professional is critical to the licensing process.

Physician Assistant Licensing			
	2018	2019	2020
Licenses issued	88	98	101
License applications withdrawn	0	0	0
License applications denied	0	0	0
Average number of days to receive license	16	17	16
Percentage of licenses approved in less than three days after receipt of final documents	100%	100%	100%

Physician Assistant Licenses, By Type		
	As of 12/31/2019	As of 12/31/2020
Physician assistant	627	737
Physician assistant with a Controlled Substance Registration	547	625

Just Culture

Health equity and justice extends to all areas of RIDOH, so codifying Just Cultureⁱⁱ was a natural extension of this leadership vision that was accomplished in 2019. The PA Board continues utilizing the framework approved in 2019 regarding Just Culture.

The PA Board continues to utilize the Deliberate Harm Test, Incapacity Test, Foresight Test and Substitution Test to evaluate each new complaint, regardless of origin. These tests are based on lessons learned from other industries that evaluate errors and mistakes in the context of safety and Just Culture.ⁱⁱⁱ

The PA Board investigates complaints and strives to achieve consistent and just outcomes for all parties involved. The Board needs to determine when to hold a PA accountable or was the error/issue more likely caused by systems issues beyond the control of the PA. Utilizing the Deliberate Harm Test, Incapacity Test, Foresight Test and Substitution Test help the Board arrive at consistent decisions which protect the public, yet also hold physicians accountable.

Often, when a complaint is filed, there is a desire on the part of the complainant to assign blame. The framework the PA Board has adopted better helps determine if the PA is indeed blameworthy or if larger systems issues are at the root of the issue and therefore the physician is blameless.

Rules and Regulations for Licensure of Physician Assistants

There were no changes to the Rules and Regulations for PAs in 2020; however, changes are anticipated in 2021.

Complaints and Disciplinary Actions

An essential role of the PA Board is to investigate and adjudicate complaints. Complaints come from a variety of sources, including patients, patient advocates, notices of litigation, licensed facilities, pharmacists, physicians, and other healthcare professionals. Each complaint is reviewed prior to being opened for complete investigation. The complaint process for PAs is detailed in a flow chart at <http://health.ri.gov/complaints/physician/>.

Summary of Annual Complaint Activity			
	2018	2019	2020
Complaints received	15	14	12
Complaints opened for investigation	8	6	1
Complaints adjudicated by full Board	7	3	1
Suspensions	1	0	0
Voluntary agreements not to practice medicine/surrender of license	0	0	0
License reinstatements/ activations with disciplinary actions	1	0	0
Reprimands and related sanctions	3	0	0
Revocations	0	0	0
Public adverse actions	5	0	0

Revenue

License fees account for the majority of revenue for the state as reflected in the table., all revenue is deposited in the General Treasury account. PA licenses are renewed by June 30 of odd years, so revenue varies significantly between renewal cycles. Revenue is also generated by fees paid to renew controlled substance registrations. There is a fee for verification of a Rhode Island PA license which sends real-time license verification to state medical boards as requested. RIDOH does offer primary source verification at no charge, at http://209.222.157.144/RIDOH_Verification/Search.aspx?facility=N&SubmitComplaint=Y.

The PA Board is not authorized to issue fines for disciplinary actions, and is one of the few states in the country that lacks this authority. The PA Board does have the authority to issue administrative fees which reflect the actual cost of investigating a complaint.

Annual Revenue from Physician-Related Fees						
	2015	2016	2017	2018	2019	2020
Physician Assistant License Fees¹	\$53,520	\$10,720	\$62,370	\$14,820	\$74,780	\$16,090
Physician assistant Controlled Substance Registrations Fees²	\$84,000	\$16,400	\$100,650	\$14,000	\$113,200	\$19,000
Total Annual Fees	\$137,520	\$27,120	\$163,020	\$28,820	\$187,980	\$35,090

¹ Source: L2K – Revenue Reports – Physician Assistant.

² Source: L2K – Revenue Reports – CSR-Physician Assistant.

Conclusion

The PA Board was significantly affected in 2020 by the pandemic, yet continued its important work assuring the public of a competent PA workforce. The PA Board continues its work with Just Culture and framework for decision making regarding compliant investigations. This reflects transparency, justice, and equity, and aligns with RIDOH's organizational values.

The PA Board does anticipate updating Rules and Regulations to be consistent with changes in the governing statute in 2021.

The PA Board is composed of highly respected, wise, and committed volunteers who give of themselves and their time to carry out its critical mission. The PA Board is vigilant and consistent in its mission to protect the public and does so in the spirit of equity and justice.

ⁱ "CDC - Public Health System and the 10 Essential Public Health Services - OSTLTS." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 26 June 2018, <https://www.cdc.gov/publichealthgateway/publichealthservices/essentialhealthservices.html>.

ⁱⁱ McDonald, James V., and Bianca Melo. "Framework for Just Culture: Rhode Island Board of Medical Licensure and Discipline." *Journal of Medical Regulation*, Allen Press, 1 Dec. 2020, meridian.allenpress.com/jmr/article/106/4/27/454056/Framework-for-Just-Culture-Rhode-Island-Board-of.

ⁱⁱⁱ Reason, James, and Alan Hobbs. *Managing Maintenance Error*. Ashgate, 2003